

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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City of Almaty, Kazakhstan and BTA
Bank JSC,

Plaintiffs,

—v—

Felix Sater, *et al.*,

Defendants.

19-CV-2645 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On July 24, 2019, the Clerk of Court entered a default against non-appearing Defendant MeM Energy Partners LLC (“MeM”). Dkt. No. 58. On July 31, 2019, Plaintiffs moved for default judgment against MeM. Dkt. No. 68. Then, on August 30, 2019, Plaintiffs amended their Complaint. Dkt. No. 83. “It is well established that an amended complaint ordinarily supersedes the original and renders it of no legal effect.” *International Controls Corp. v. Vesco*, 556 F.2d 665, 668 (2d Cir. 1977). Because the First Amended Complaint does not contain any new claims for relief against MeM, it became the operative pleading when it was filed. *See* Fed. R. Civ. P. 5(a)(2). Accordingly, when Plaintiffs filed the First Amended Complaint, they rendered the entry of default against MeM and motion for default judgment moot. *See Allstate Ins. Co. v. Yadgarov*, No. 11-cv-6187, 2014 U.S. Dist. LEXIS 30068, at *20-*24 (E.D.N.Y. Feb. 10, 2014) (collecting cases), *adopted by*, 2014 U.S. Dist. LEXIS 30067 (E.D.N.Y. Mar. 5, 2014).

The Court therefore vacates the entry of default against MeM, Dkt. No. 58, as moot and denies Plaintiffs’ motion for default judgment as moot with leave to refile. Plaintiffs are hereby ordered to serve a copy of this Order on MeM and file proof of service on the public docket.

This resolves Dkt. No. 68.

SO ORDERED.

Dated: March 2, 2020
New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', written over a horizontal line.

ALISON J. NATHAN
United States District Judge